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By: Susan C. Berger
Deputy Attorney General
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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: SOMERSET COUNTY
DOCKET NO. C-12054-02

DAVID SAMSON, ATTORNEY GENERAL
OF NEW JERSEY, RENI ERDOS,
DIRECTOR OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS,
and THE NEW JERSEY STATE
BOARD OF DENTISTRY,

Plaintiffs,

v.

JOHN G. MCINTYRE, D.D.S.,

Defendant.

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Civil Action

FINAL ORDER

WITH PERMANENT RESTRAINTS,
CIVIL PENALTIES, COSTS OF
INVESTIGATION, ATTORNEYS
FEES, PAYMENT TO
RECEIVER AND RESTITUTION

This matter was opened to the court on an application by the Attorney General of the State of New Jersey, the Director of the New Jersey State Division of Consumer Affairs, and the New Jersey State Board of Dentistry, by David Samson, Attorney General of New Jersey, counsel for plaintiffs, Susan C. Berger, Deputy Attorney General appearing pursuant to N.J.S.A. 45:1-18, 45:1-23, 56:8-3 and R. 4:52-1 and the Court having read the papers submitted, and Susan

C. Berger, Deputy Attorney General and John McIntyre, D.D.S., pro se, having appeared pursuant to a telephone conference on July 23, 2002, and it having appeared that defendant John G. McIntyre, D.D.S. engaged in the unlicensed practice of dentistry by continuing to practice dentistry after his license had been suspended by the Board of Dentistry, and the Honorable Roger F. Mahon, P.J.Ch., Chancery Division, Superior Court, Hunterdon County Justice Center, issued an Order, dated July 23, 2002, temporarily enjoining and restraining defendant from (a) advertising, operating, and/or holding himself out as being a licensed dentist (b) engaging in any unconscionable commercial practice, fraud, deception, false promise, false pretense or misrepresentation, including but not limited to falsely representing himself as being permitted to perform any services requiring licensure by the Board of Dentistry; advertising, operating, and/or holding himself out as being a licensed dentist, and permitting the Attorney General to inspect, impound, remove and change the lock on the premises located at 211 West End Avenue, Raritan, New Jersey on July 25, 2002. Defendant John McIntyre, D.D.S., agreed to the Court appointment of Jerome Zweig, D.D.S., as the receiver of the dental and billing records of the defendant John McIntyre, D.D.S.

Defendant, John G. McIntyre, D.D.S., appeared pro se before the Honorable Roger F. Mahon, P.J.Ch., on August 8, 2002, and admitted that he engaged in the unlicensed practice of dentistry by

treating patients after his license was suspended by the Board of Dentistry effective April 7, 2002. The court also heard the testimony of ten parents of patients whose children were treated by John G. McIntyre, D.D.S. after his license was suspended; the court further heard and considered oral argument and has determined that respondent practiced dentistry while his license was suspended and therefore good cause exists for the entry of the within order;

IT IS on this 20th day of SEPT., 2002

ORDERED:

1. Defendant, John G. McIntyre, D.D.S., is permanently enjoined from advertising, operating, or holding himself out to be a licensed dentist in this State, unless and until such time as he is duly authorized by the New Jersey State Board of Dentistry to do so.

2. Defendant John G. McIntyre, D.D.S., is permanently enjoined from engaging in any unconscionable commercial practice, fraud, deception, false promise or misrepresentation including but not limited to practicing dentistry without a license until he is duly authorized to do so.

3. Defendant, John G. McIntyre, D.D.S. shall pay the receiver, Jerome Zweig, D.D.S. \$ 100.00 per hour for his services. Said payment shall be by certified check or money order and shall be sent to Kevin Earle, Executive Director of the Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey

07101 and the Board shall forward the payment to Jeromè Zweig, D.D.S.

4. Defendant, John G. McIntyre, D.D.S., shall pay civil penalties in the amount of \$25,000.00 to the State of New Jersey by certified check or money order payable to the Treasurer, State of New Jersey and shall mail or deliver the payment to Susan C. Berger, Deputy Attorney General, Department of Law and Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101. This amount must be paid in full no later than thirty (30) days from the entry of this order. If payment in full is not made by that date, defendant shall also pay to the State interest at the post judgment rate for the full period that any amount remains outstanding, including the period of time from the entry of this order.

5. Defendant, John G. McIntyre, D.D.S., shall pay costs of the investigation in the amount of \$12,192.02 to the State of New Jersey by certified check or money order payable to the Treasurer, State of New Jersey and shall be mailed or delivered to Susan C. Berger, Deputy Attorney General, Department of Law and Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101. This amount must be paid in full no later than thirty (30) days from the entry of this order. If payment in full is not made by that date, defendant shall also pay to the State interest at the post judgment rate for the full period that any amount remains

outstanding, including the period of time from the entry of the order.

6. Defendant, John G. McIntyre, D.D.S. shall pay attorneys fees in the amount of \$ 4,399.20 to the State of New Jersey by certified check or money order payable to the Treasurer, State of New Jersey and shall be mailed or delivered to Susan C. Berger, Deputy Attorney General, Department of Law and Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101. This amount must be paid in full no later than thirty (30) days from the entry of the order. If payment in full is not made by that date, defendant shall also pay to the State interest at the post judgment rate for the full period that any amount remains outstanding, including the period of time beginning with the entry of the order.

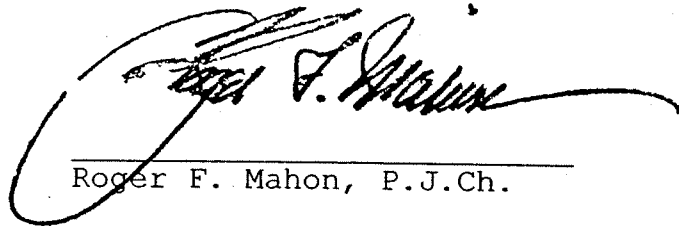
7. Defendant shall pay restitution to the patients listed in Addendum 1 to this order by certified check or money order. Said restitution shall be awarded based on written certifications of the patient, patient's parent or the patient's subsequent treating dentist and shall be submitted by the Attorney General to the Honorable Roger F. Mahon, P.J.Ch., and a copy shall be sent to defendant. Defendant shall have two weeks from the filing of each certification to challenge the amount of restitution requested. Any challenge to the amount of restitution requested shall be submitted to the Honorable Roger F. Mahon, P.J.Ch., and shall be supported by a certification. The Honorable Roger F. Mahon shall

make all determinations regarding contested amounts of restitution. Restitution shall be paid prior to the payment of civil penalties, costs and attorney fees.

8. The New Jersey State Board of Dentistry shall maintain all active dental and billing records for defendant John G. McIntyre, D.D.S. A list of the active dental and billing records maintained by the New Jersey State Board of Dentistry is attached as Addendum 1. Said dental and billing records shall be transferred to the patient's subsequent treating dentist with the assistance of Jerome Zweig, D.D.S., the court appointed receiver, upon receipt of a request for transfer of dental and billing records by the patient or the patient's authorized representative. Defendant John G. McIntyre, D.D.S., is not required to maintain dental and billing records for the patient listed in Addendum 1. Defendant John G. McIntyre, D.D.S., shall be permitted to obtain a copy of the dental and billing records for the patients listed in Addendum 1 at his own cost and expense.

9. Defendant John G. McIntyre, D.D.S., shall arrange with the Attorney General to remove all inactive dental and billing records, molds and study molds, x-rays and personal items from his office at 211 West End Avenue, Raritan, New Jersey within two weeks of the filing of this Order and shall be required to maintain all dental and billing records, molds and study molds and x-rays for these patients pursuant to N.J.A.C. 13:30-8.7(c).

10. Defendant John G. McIntyre, D.D.S., shall provide the Attorney General on or before August 18, 2002 with all information regarding any liens or UCC's filings on any equipment in his office. The Attorney General may file a lien on any of his equipment. If there are no priority liens or filings, the Attorney General may retain possession of the equipment and take any necessary steps to satisfy the restitution or any other award ordered by this Court.



Roger F. Mahon, P.J.Ch.

**It is further ORDERED that a
copy of this order be served upon
all interested parties within seven (7)
days of the date hereof.**